ASSISTANT SECRETARY OF STATE

WASHINGTON

38

R

DECLASSIFIED November 13, 1980

TO: S/S - Mr. Bremer

FROM: H - Brian Atwood BA

SUBJECT: Transition Briefing Paper

Attached is the transition briefing paper you requested on the Department's legislative and clearance procedures.

Attachment

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY [signature] DATE 4/7/83

RDS☐or XDS☐EXT. DATE

E.O. AUTH. REASON(S)

ENDORSE EXISTING MARKINGS ☐

DECLASSIFIED☐ RELEASABLE☒

RELEASE DENIED☐

PA or FOI EXEMPTIONS

1241

DEPARTMENT OF STATE

Washington, D.C. 20520

DECLASSIFIED

November 12, 1980

MEMORANDUM TO: H - Mr. Atwood

FROM: S/S - L. Paul Bremer

SUBJECT: Transition: Request for Paper

Confirming our conversation, could you please give us a brief briefing paper (3-4 pages) for use in the transition on the subject of:

State Department Legislative Processes, Including Legislative Clearance Requirements

Please submit the paper to us by COB Thursday, November 13.

DECLASSIFIED

BRIEFING PAPER

State Department Legislative Processes and Legislative Clearance Requirements

The Office of Congressional Relations (H) does for the Secretary of State [illegible] the Office of Management and Budget does for the Presid[illegible] that is, implement the legislative clearance function. [illegible]hus coordinates and supervises the development, clearance, and approval of State Department legislative proposals and reports, including testimony. This office submits them to OMB, obtains OMB (hence interagency) clearance, presents them to Congress and effects Congressional approval.

State Department Legislative Process

Development of Legislative Proposals -- Department offices notify the Office of the Assistant Secretary for Congressional Relations as soon as they have determined the need for new or modified legislative authority, and consult with H regarding the substance and presentation of the proposed legislation. H advises initiating officers of any additional information and assistance required to facilitate consideration of the legislation from the Congressional Relations policy viewpoint and as to the timing and method of presentation to the Congress. Upon request, the Office of the Legal Adviser drafts legislation or assists another office in the drafting.

In practice, the need for new legislation is usually developed each fall when H coordinates the submission to OMB of the Department's proposed legislative program for the next session of Congress.

Clearance -- Legislative proposals originating within the Department and those referred to the Department from outside are routed for Department clearance to the Assistant Secretary for Congressional Relations. This office coordinates the clearance process to insure that all appropriate offices review such legislative proposals, including draft and pending legislation, and enrolled bills. Those with management and administrative implications are also cleared with the office of the Under Secretary for Management.

Approval -- The Assistant Secretary for Congressional Relations refers legislative proposals to the Secretary, Deputy Secretary, or an Under Secretary for approval, or transmits such proposals directly if in his discretion higher approval is not required.

Submission -- No official of the Department, other than the Assistant Secretary for Congressional Relations, transmits any proposed legislation to the Office of Management and Budget, the President, the Congress, or any individual Senator or Representatives.

The assignment of this role and these responsibilities to the Office of Congressional Relations are contained in several sections of the Foreign Affairs Manual (FAM). 1 FAM 190 states in part that "the Assistant Secretary for Congressional Relations supervises and coordinates all legislative . . . relationships . . . between the Department and the Office of Management and Budget." The Assistant Secretary also "directs the presentation of the Department's legislative program."

Relationship to the President's Legislative Program

The legislative recommendations of the President in his three regular annual messages -- State of the Union, Budget, and Economic Report -- together with those in any special messages or other communications to the Congress generally constitute the President's Legislative Program. One major source of these recommendations has been the agencies themselves. Each year, department and agencies submit to OMB proposed legislative programs for the coming session of Congress. These proposed agency programs include specific items recommended for inclusion in the President's Legislative Program.

Legislative Clearance Requirements

Overall responsibility for the Legislative Clearance Function within the Executive Branch rests with the Office of Management and Budget. The basic guidelines and procedures for carrying out this function are set forth in OMB Circular A-19, most recently revised in September, 1979. The Clearance Function covers: agency legislative proposals; agency reports and testimony on pending legislation; and enrolled bills.

Legislative Proposals -- All bills which agencies wish to transmit to the Congress must be sent to OMB for clearance. There they are reviewed and a determination is made as to what additional data and information are needed and which other agencies have substantial interest and should be asked for comment. Agencies whose views are requested may favor a draft bill or have no objection. It is likely, however, that one or more of them will propose substantive or technical amendments, or perhaps a complete substitute. Divergent views are usually reconciled by telephone or by letter. If appropriate, a meeting of the interested agencies will be arranged by OMB staff.

In its review of draft bills, OMB applies existing Presidential policies. If significant issues arise which are not covered by such policies, OMB seeks appropriate Presidential direction. After review, analysis, resolution of issues, and obtaining appropriate policy guidance, OMB will advise the proposing agency of the type of clearance ("advice") granted.

UNCLASSIFIED

Reports on Pending Legislation -- If agencies are asked by Congressional Committees, Congressional Staffs, Individual Members of Congress or by the general public to report or testify on pending legislation, or wish to volunteer a report, the same clearance procedures are followed. Agencies are given "advice" which they transmit in their reports or include in their testimony.

Enrolled Bills -- After Congress has completed action on a bill, it is enrolled and sent to the President for his approval or disapproval. To assist the President in deciding his course of action on a bill, OMB requests each interested agency to submit within 48 hours its analysis and recommendation in a letter, signed by a Presidential Appointee to OMB. OMB then prepares a memorandum to the President on the enrolled bill which transmits these views letters and summarizes the issues and various views and recommendations. If an agency recommends disapproval or a signing statement, it is responsible for preparing a draft of an appropriate statement for the President's consideration.

Drafted:
H - Isaias Alba III
11/13/80:x20430

Clearance:
H - Peggy Lampl

DECLASSIFIED